

STAFF REPORT

Meeting Date: June 12, 2002

TO: LAFCO Commissioners
FROM: Everett Millais, Executive Officer
SUBJECT: Form of Agreement for Payment of LAFCO Fees

RECOMMENDATION:

Approve the attached Agreement for Payment of LAFCO Fees.

DISCUSSION:

Last month when the Commission approved a new deposit based fee system to be effective on July 1, 2002, related changes were made to the Operational Policies relating to fees in the Commissioner's Handbook. Specifically Handbook section 2.3.3.5 was revised to read as follows:

"2.3.3.5 Reimbursement agreements: Whenever a deposit of funds is required, the applicant shall enter into an agreement, approved as to form by LAFCO legal counsel, providing for LAFCO to be reimbursed for all costs related to the application based on the fee schedule in place at the time funds are deposited."

The attached Agreement for Payment of LAFCO Fees has been reviewed and approved as to form by LAFCO legal counsel and is being presented to the Commission for adoption. Once approved it will be distributed to cities and special districts, and posted on the Ventura LAFCO web site, for use with the new fee schedule as of July 1, 2002.

COMMISSIONERS AND STAFF

COUNTY Steve Bennett, Chair Kathy Long <i>Alternate:</i> Judy Mikels	CITY Linda Parks John Zaragoza <i>Alternate:</i> Evaristo Barajas	SPECIAL DISTRICT Jack Curtis John Rush <i>Alternate:</i> Dick Richardson	PUBLIC Louis Cunningham, Vice Chair <i>Alternate:</i> Kenneth M. Hess
EXECUTIVE OFFICER Everett Millais	PLANNER III Hollie Brunsky	CLERK Debbie Schubert	LEGAL COUNSEL Noel Klebaum



AGREEMENT FOR PAYMENT OF LAFCO FEES

The _____ ("Applicant") understands and
Name of Applicant/Petitioner
agrees as follows:

1. The Ventura Local Agency Formation Commission ("LAFCO") has established a fee schedule pursuant to Government Code 56383 to recover a portion of the estimated reasonable costs of LAFCO proceedings. Applicant has submitted a request for action to LAFCO that requires an initial deposit of funds in accordance with the fee schedule. Applicant hereby pays the initial deposit fee of \$_____ to reimburse LAFCO for costs associated with the request.
2. LAFCO's costs of processing the request, consisting of LAFCO staff time at hourly rates based on the most recent LAFCO fee schedule, and all direct LAFCO costs associated with Applicant's request, will be charged to Applicant and deducted from the initial deposit fee. LAFCO's costs include but are not limited to: (a) Staff time spent reviewing application materials, responding by phone or correspondence to all inquiries relating to the request, preparing reports, attendance and participation at meetings, and making filings necessary to complete proceedings, and; (b) Direct costs for public notices, legal counsel, County, state and federal agency review and information, and consultants hired by LAFCO to assist in the review and processing of the request.
3. If the LAFCO Executive Officer determines the initial deposit fee is insufficient to reimburse all of LAFCO's costs incurred and to be incurred to complete the requested action, LAFCO will bill Applicant for, and Applicant must pay, an additional deposit equal to the additional fee estimated by the Executive Officer as necessary to fully reimburse LAFCO.
4. After all requested actions are complete the LAFCO Executive Officer will compute the actual final costs and will refund any unused portion of the deposit, or will bill Applicant for any unreimbursed costs. Any refunds will be solely for the unused portion of the deposit and will not include any interest.
5. If Applicant fails to pay in full any sums billed by LAFCO within 15 days of the billing, the LAFCO Executive Officer may stop processing Applicant's request and/or set the request for hearing by LAFCO with a recommendation for denial due to failure to pay fees. The Executive Officer shall not be required to record a certificate of completion or otherwise complete any requested action until and unless all fees are paid in full.

6. Applicant may make a written request to LAFCO for an accounting of billed sums, and LAFCO will respond within a reasonable period. Applicant's obligations to pay the required fees shall not be delayed or deferred by such a request.

7. The undersigned is (check one):

- ☐ The individual applicant or petitioner who agrees to be bound by the terms of this agreement and to pay the sums due LAFCO.
- ☐ The authorized representative of the Applicant who is empowered to execute this agreement and who agrees the Applicant shall be bound by its terms and shall pay the sums due LAFCO.
- ☐ The property owner or real party in interest for an application or petition filed or to be filed with LAFCO by Applicant. I agree to be bound by the terms of this agreement as they are applicable to Applicant and to pay to LAFCO all sums due from Applicant. I agree that notice to Applicant of any obligation arising hereunder shall be construed to be notice to me.

Name: _____
(Please print or type)

Mailing Address: _____

Phone: _____

Signature: _____

Date: _____